

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
CIVIL CASE NO. 2:12-cv-00063-MR**

CHRIS MATTAROLLO and )  
TINA MATTAROLLO, )  
Plaintiffs, )  
vs. )                   **O R D E R**  
Branch Banking And )  
Trust Co. and Pam Muras, )  
Defendants. )

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**THIS MATTER** is before the Court *sua sponte*.

On August 21, 2012, the Plaintiffs filed this action against the Defendants Branch Banking and Trust Co. and Pam Muras. [Doc. 1]. To date, there is nothing in the record to indicate that the Plaintiffs have served the Defendant Pam Muras.

Rule 4(m) of the Federal Rules of Civil Procedure provides, in pertinent part, as follows:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

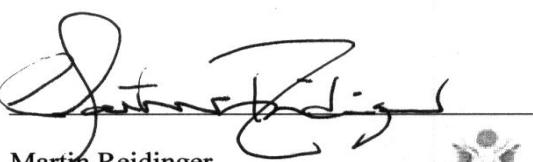
The Plaintiffs are hereby placed on notice that unless good cause is shown to the Court for their failure to effect service of the Summons and Complaint on Defendant Muras within fourteen (14) days from service of this Order, the Plaintiffs' action against this Defendant shall be dismissed without prejudice without further order.

**IT IS, THEREFORE, ORDERED** that the Plaintiffs shall show good cause within fourteen (14) days of service of this Order for the failure to effect service on the Defendant Pam Muras; and

**IT IS FURTHER ORDERED** that failure of the Plaintiffs to respond in writing within fourteen (14) days shall result in a dismissal without prejudice of this action without further order of the Court.

**IT IS SO ORDERED.**

Signed: January 30, 2013



Martin Reidinger  
United States District Judge

